

## TERRY PEAK LAND TRANSFER ACT OF 1999

JULY 26, 1999.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. YOUNG of Alaska, from the Committee on Resources,  
submitted the following

### REPORT

[To accompany H.R. 2079]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 2079) to provide for the conveyance of certain National Forest System lands in the State of South Dakota, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

#### PURPOSE OF THE BILL

The purpose of H.R. 2079 is to require the conveyance of certain National Forest System lands in the State of South Dakota.

#### BACKGROUND AND NEED FOR LEGISLATION

The Terry Peak Ski Area (Terry Peak) is situated in Lawrence County, South Dakota, and is near the communities of Deadwood and Lead. Ninety percent of the land on which Terry Peak is located is privately owned; 10 percent of the land is federally owned and administered by the U.S. Forest Service as part of the Black Hills National Forest (BHNF).

The Terry Peak Ski Area comprises approximately 41 acres and has been permitted to Terry Peak pursuant to Section 3 of the National Forest Ski Area Permit Act of 1986. Substantial improvements unique to Terry Peak's operation have also been made to the land. According to the U.S. Forest Service the land is no longer considered useful to its mission and results in significant administrative costs.

The Forest Service has been engaged in conversations with officials of Terry Peak regarding their purchase of the BHNF land.

There is broad public support for the transaction. In addition to Terry Peak, the transaction is supported by the following interested groups: the Black Hills Group of the Sierra Club; the Deadwood Area Chamber of Commerce; the Lawrence County Commissioners; the Lead Area Chamber of Commerce; the Terry Peak Lodge Homeowners Association; and the Terry Valley Landowners Association.

The Forest Service does not have administrative authority to convey the BHNF-administered land to Terry Peak; authority to do so must be granted by Congress. H.R. 2079 authorizes the conveyance of this land to Terry Peak at fair market value. The funds received by the Forest Service are to be used to acquire additional lands for inclusion in the BHNF. The conveyance is subject to all valid existing rights.

#### COMMITTEE ACTION

H.R. 2079 was introduced on June 8, 1999, by Congressman John Thune (R-SD). The bill was referred to the Committee on Resources, and within the Committee to the Subcommittee on Forests and Forest Health. On June 17, 1999, the Subcommittee held a hearing on the bill, where Congressman Thune and the U.S. Forest Service testified in support of H.R. 2079. On June 30, 1999, the Full Resources Committee met to consider the bill. The Subcommittee on Forests and Forest Health was discharged by unanimous consent from further consideration of the bill. No amendments were offered and the bill was then ordered favorably reported to the House of Representatives by voice vote.

#### COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Resources' oversight findings and recommendations are reflected in the body of this report.

#### CONSTITUTIONAL AUTHORITY STATEMENT

Article I, section 8 and Article IV, section 3 of the Constitution of the United States grant Congress the authority to enact this bill.

#### COMPLIANCE WITH HOUSE RULE XIII

1. *Cost of Legislation.* Clause 3(d)(2) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out this bill. However, clause 3(d)(3)(B) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974.

2. *Congressional Budget Act.* As required by clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this bill does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in tax expenditures. According to the Congressional Budget Office, this bill would "not have a sig-

nificant impact on the federal budget.” It would generate offsetting receipts from the sale of the 41 acres to the Terry Peak Ski Area of approximately \$125,000, but the Forest Service would then spend those funds to acquire other lands. In addition, because Terry Peak would no longer pay annual fees on the land, there would be a small loss of receipts to the federal government (less than \$10,000 each year).

3. *Government Reform Oversight Findings.* Under clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the Committee has received no report of oversight findings and recommendations from the Committee on Government Reform on this bill.

4. *Congressional Budget Office Cost Estimate.* Under clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for this bill from the Director of the Congressional Budget Office:

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
*Washington, DC, July 7, 1999.*

Hon. DON YOUNG,  
*Chairman, Committee on Resources,  
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 2079, the Terry Peak Land Conveyance Act of 1999.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Victoria Heid Hall.

Sincerely,

BARRY B. ANDERSON  
(For Dan L. Crippen, Director).

Enclosure.

#### CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

#### *H.R. 2079—Terry Peak Land Conveyance Act of 1999*

CBO estimates that implementing H.R. 2079 would not have a significant impact on the federal budget. Because H.R. 2079 would affect direct spending, pay-as-you-go procedures would apply; however, we estimate that the effect on direct spending would be insignificant. This bill would impose no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would have no significant impact on the budgets of state, local, or tribal governments.

H.R. 2079 would direct the Secretary of Agriculture to convey about 41 acres in the Black Hills National Forest, South Dakota, to the Terry Peak Ski Area. The bill provides that the conveyance be at fair market value. The cost to appraise the land would be paid by the ski area. H.R. 2079 would give the Secretary the authority to spend any money from the sale to acquire replacement land for the Black Hills National Forest.

Based on information from the Forest Service, CBO estimates that selling the land to the ski area would generate new offsetting

receipts (a credit against direct spending) of less than \$125,000. The agency would subsequently spend those funds to acquire other land. The sale receipts and subsequent spending would net to zero over the 2000–2004 period. The ski area currently pays annual fees to the Forest Service for use of the land, and the Forest Service shares those receipts with the state of South Dakota. Thus, conveying the land to the ski area would result in both a loss of income from fees and lower payments to the state. We expect that the net loss to the federal government would total less than \$10,000 each year.

On July 7, 1999, CBO prepared a cost estimate for S. 953, the Terry Peak Land Conveyance Act of 1999, as ordered reported by the Senate Committee on Energy and Natural Resources on June 30, 1999. The two bills are identical, as are the two cost estimates.

The CBO staff contact is Victoria Heid Hall. This estimate was approved by Robert A. Sunshine, Deputy Assistant Director for Budget Analysis.

#### COMPLIANCE WITH PUBLIC LAW 104–4

This bill contains no unfunded mandates.

#### PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any State, local or tribal law.

#### CHANGES IN EXISTING LAW

If enacted, this bill would make no changes in existing law.

